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Message Text

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61
ACTION ARA-20

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 AGR-20

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INR-10 INT-08 L-03 LAB-06 NSAE-00 NSC-07 PA-04 RSC-01

AID-20 CIEP-02 SS-20 STR-08 TAR-02 TRSE-00 PRS-01

SP-03 FEA-02 OMB-01 SWF-02 EA-11 OIC-04 DRC-01 /175 W
---------- 013970
O R 022209Z MAY 74
FM AMEMBASSY TEGUCIGALPA
TO SECSTATE WASHDC IMMEDIATE 6985
INFO AMEMBASSY BOGOTA
AMEMBASSY GUATEMALA
AMCONSUL GUAYAQUIL
AMEMBASSY MANAGUA
AMEMBASSY PANAMA
AMEMBASSY QUITO
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR

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GUATEMALA FOR ROCAP

STR FOR EBERLE

ARA/LA FOR SZABO

E.O. 11652 N/A
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SUBJECT: MTN DELEGATION BILATERAL DISCUSSIONS: HONDURAS AND
BANANAS -- PART 3 OF 4, DRAFT UPEB AGREEMENT

REF: TEGUCIGALPA 1827

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ARTICLE 18. THE COUNCIL CAN INVITE TO ITS MEETINGS OBSERVERS FROM

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THIRD COUNTRIES OR FROM INTERNATIONAL OR REGIONAL ORGANIZATIONS, WHEN IT SO DECIDES BY SIMPLE MAJORITY.

IN THE SAME WAY IT CAN AUTHORIZE THAT SAID OBSERVERS HAVE A PERMANENT CHARACTER, IN THE TERMS AND CONDITIONS WHICH THE REGULATIONS MAY ESTABLISH.

ARTICLE 19. THE UPEB WILL HAVE AN EXECUTIVE DIRECTORATE WHICH WILL PROVIDE TO THE CONFERENCE OF MINISTERS AND TO THE COUNCIL THE TECHNICAL AND ADMINISTRATIVE SUPPORT WHICH THEY REQUIRE. FOR THESE EFFECTS, IT WILL COUNT ON THE PERSONNEL WHICH MAY BE NECESSARY.

THIRD SECTION
EXECUTIVE DIRECTORATE

ARTICLE 20. THE EXECUTIVE DIRECTORATE WILL BE INCHARGE OF AN EXECUTIVE DIRECTOR, WHO MUST BE A PERSON OF HIGH MORAL AND TECHNICAL QUALIFICATION AND, IN THE PERFORMANCE OF HIS FUNCTIONS, WILL BE PROHIBITED FROM RECEIVING OR SOLICITING INSTRUCTIONS FROM THE MEMBER STATES, OTHER COUNTRIES, AND PERSONS OR AUTHORITIES OUTSIDE OF THE ORGANIZATION. NEITHER CAN HE ACT IN A FORM WHICH IS INCOMPATIBLE WITH HIS CONDITION AS AN INTERNATIONAL PUBLIC OFFICIAL.

THE EXECUTIVE DIRECTOR MUST BE A CITIZEN OF ONE OF THE MEMBER COUNTRIES OF THIS CONVENTION AND WILL RESIDE AT THE HEADQUARTERS OF THE UPEB. HE WILL REMAIN THREE YEARS IN THE EXERCISE OF HIS POSITION AND BE REELECTED ONLY ONE TIME.

IN CASE OF TEMPORARY OR DEFINITE ABSENCE, THE EXECUTIVE DIRECTOR WILL BE SUBSTITUTED BY A PERSON WHICH THE COUNCIL DESIGNATES.

ARTICLE 21. THE EXECUTIVE DIRECTOR IS THE HIGHEST ADMINISTRATIVE OFFICIAL OF THE EXECUTIVE DIRECTORATE, TO WHOM PERTAINS, THEREFORE, THE DIRECTION OF THE AFFAIRS OF THE UPEB IN CONFORMITY WITH THE INSTRUCTIONS OF THE COUNCIL; HE WILL ATTEND THE MEETINGS OF THE CONFERENCE OF MINISTERS AND OF THE COUNCIL WITH RIGHT TO SPEAK BUT NOT TO VOTE. HE HOLDS, ALSO, THE LEGAL REPRESENTATION OF THE ORGANIZATION.

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ARTICLE 22. TO THE EXECUTIVE DIRECTOR PERTAINS:

A. VIGILANCE OVER THE FULFILLMENT OF THE OBJECTIVES OF THIS CONVENTION, ITS REGULATIONS AND THE DECISIONS OF THE CONFERENCE OF MINISTERS AND OF THE COUNCIL.

B. ELABORATION OF THE ANNUAL BUDGET OF THE ORGANIZATION AND SUBMISSION TO THE COUNCIL FOR ITS APPROVAL.

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C. PREPARATION OF THE MEETINGS OF THE CONFERENCE OF MINISTERS AND OF THE COUNCIL.

D. SERVING AS A MEANS OF COMMUNICATION BETWEEN THE UPEB AND THE MEMBER COUNTRIES, AS WELL AS WITH WHATEVER ORGANIZATIONS OR ENTITIES WITH WHICH UPEB RELATES ITSELF.

E. CONVOCATION AND COORDINATION IN THE TIME AND MANNER WHICH OHE REGULATIONS DETERMINE, OF THE MEETINGS OF THE COMMITTEES OR WORK GROUPS WHICH MAY BE ESTABLISHED.

F. COLLECTION OF THE CONTRIBUTIONS OF THE MEMBER STATES AND ADMINISTRATIION OF THE PATRIMONY OF THE UPEB.

G. CONTRACTING AND DISMISSING THE PERSONNEL OF THE EXECUTIVE DIRECTORATE IN CONFORMITY WITH THE RESPECTIVE REGULATION. THE SELECTION OF PERSONNEL SHOULD CONFORM TO AN EQUITABLE GEOGRAPHIC DISTRIBUTION AMONG THE MEMBER COUNTRIES OF THIS CONVENTION.

H. CARRYING OUT THE INSTRUCTIONS OF THE CONFERENCE OF MINISTERS AND OF THE COUNCIL.

ARTICLE 23. IT ALSO PERTAINS TO THE EXECUTIVE DIRECTOR TO EXAMINE IN A PERMANENT WAY THE CONDITIONS OF PRODUCTION, PROCESSING, EXPORTING, MARKETING AND CONSUMPTION OF THE BANANA AND ITS BY-PRODUCTS; TO CARRY OUT STUDIES AND COMPILE ALL THE NECESSARY DATA CONCERNING BANANA ACTIVITY AND CONCERNING THE EFFECTS OF COMPLEMENTARY AGREEMENTS WHICH MAY BE IN EFFECT; AND TO ESTABLISH A PERMANENT SYSTEM OF INFORMATION AMONG THE MEMBER STATES CONCERNING THE MOST IMPORTANT ASPECTS OF SUCH ACTIVITY.

ARTICLE 24. IT IS INCOMPATIBLE WITH THE POSITION OF EXECUTIVE
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DIRECTOR AND WITH THE CONDITION OF A MEMBER OF THE STAFF OF THE EXECUTIVE DIRECTORATE TO HAVE A DIRECT ECONOMIC INTEREST IN ACTIVITIES RELATED TO BANANAS.

THE PERSONNEL OF THE DIRECTORATE WILL BE PROHIBITED FROM RECEIVING INSTRUCTIONS FROM ANY MEMBER STATE OR AUTHORITY OUTSIDE OF UPEB.

CHAPTER IV
EXTERNAL AUDITOR

ARTICLE 25. THE EXTERNAL AUDITOR WILL EXAMINE AT THE END OF EACH ECONOMIC CYCLE THE ACCOUNTING BOOKS AND REGISTERS OF UPEB, AND WILL PRESENT TO THE COUNCIL THE CORRESPONDING FINANCIAL REPORTS. AT ANY TIME THE EXTERNAL AUDITOR CAN LOOK INTO THE ACCOUNTING OF THE ORGANIZATION, AT HIS OWN INITIATIVE OR THAT OF THE COUNCIL;

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AND PROVIDE TO THE LATTER THE REPORTS WHICH HE CONSIDERS PERTINENT.

CHAPTER V

JURIDICAL PERSONALITY AND PRIVILEGES AND IMMUNITIES

ARTICLE 26. THE UPEB HAS JURIDICAL PERSONALITY AND, IN PARTICULAR, CAPACITY TO CONTRACT FOR, ACQUIRE, AND TO TRANSFER GOODS AND REAL ESTATE AND TO INITIATE JUDICIAL PROCEEDINGS.

SPANISH WILL BE THE OFFICIAL LANGUAGE OF THE ORGANIZATION. HOWEVER, THE COUNCIL CAN MAKE ANY OTHER LANGUAGE OFFICIAL, PARTICULARLY WHEN THE ADHERENCE OF NEW MEMBERS REQUIRES IT.

ARTICLE 27. THE UPEB WILL HAVE ITS HEADQUARTERS IN (UNSPECIFIED) UNLESS THE COUNCIL DECIDES SOMETHING ELSE.

THE GOVERNMENT OF THE COUNTRY WHERE THE HEADQUARTERS IS LOCATED WILL APPROVE WITH THE ORGANIZATION, WITHIN 60 DAYS FOLLOWING ITS INSTALLATION, A CONVENTION ON PRIVILEGES AND IMMUNITIES OF THE UPEB; OF THE REPRESENTATIVES OF THE MEMBER STATES IN THE CONFERENCE OF MINISTERS AND THE CONCIL DURING THEIR STAY, IN THE PERFORMANCE OF THEIR FUNCTIONS, IN THE HEADQUARTERS COUNTRY; AS WELL AS OF THE EXECUTIVE DIRECTOR AND OTHER OFFICIALS AND EXPERTS IN THE SERVICE OF THE EXECUTIVE DIRECTORATE.
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